

**Notice of Allowability**

Application No.

10/758,646

Examiner

Henry M. Johnson, III

Applicant(s)

OTSUKA ET AL.

Art Unit

3739

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 2/16/2006.
2. ☒ The allowed claim(s) is/are 1,2,4-6 and 8-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20060320</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tom Spinelli on March 22, 2006.

The application has been amended as follows:

In the specification on page 4, line 18, "the arm would can" has been deleted and -- the arm would -- has been inserted.

In the specification on page 14, lines 8-9, "brakes 15a to 15c" has been deleted and -- brakes 55a to 55c -- has been inserted.

In claim 1, line 10, "grasping portion" has been deleted and -- grasping member -- has been inserted.

In claim 5, line 4, "grasping portion" has been deleted and -- grasping member -- has been inserted.

In claim 6, line 3, "grasping portion" has been deleted and -- grasping member -- has been inserted.

In claim 8, line 11, "grasping portion" has been deleted and -- grasping member -- has been inserted.

In claim 10, line 11, "grasping portion" has been deleted and -- grasping member -- has been inserted.

In claim 11, line 11, "grasping portion" has been deleted and -- grasping member -- has been inserted.

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In claim 15, line 4, "grasping portion" has been deleted and -- grasping member -- has been inserted.

In claim 16, lines 2-3, "the grasping member and the ball joint element in the" has been deleted and -- the grasping member in the -- has been inserted.

### ***Reasons for Allowance***

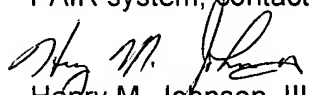
The prior art of record does not disclose or fairly suggest an apparatus for holding an elongated medical instrument comprising an arm with a movable end and a ball joint portion on the movable end and a second ball joint portion connected by a shaft to a grasping member with a longitudinal shaft, said connecting shaft having an axis that is non-parallel to the longitudinal shaft axis, said ball joint portions being above or below the center of gravity of the grasping member and the grasping member comprising a holding portion for holding the elongated medical instrument such that the axis of the elongated medical instrument is not parallel to the longitudinal shaft. This unique structure positions the center of gravity of the grasping member and medical instrument in a gravitational line with the ball joint. U.S. Patent 5,825,536 to Yasunaga et al. teaches an articulated support device for a surgical microscope, but does not teach equalizing gravitational forces by location of the support elements. Japanese Patent Application Publication No. 2001-258903 discloses an apparatus for supporting an elongated medical instrument, but does not provide a shaft support element nor teach locating a ball joint in direct gravitational alignment with a center of gravity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry M. Johnson, III whose telephone number is (571) 272-4768. The examiner can normally be reached on Monday through Friday from 6:00 AM to 3:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Henry M. Johnson, III  
Primary Examiner  
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